



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,120	06/26/2003	Karl M. Armagost	47320.0131	1119

20874 7590 09/01/2006
WALL MARJAMA & BILINSKI
101 SOUTH SALINA STREET
SUITE 400
SYRACUSE, NY 13202

EXAMINER

CHEN, TIANJIE

ART UNIT PAPER NUMBER

2627

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,120

Applicant(s)

ARMAGOST ET AL.

Examiner

Tianjie Chen

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-21 is/are allowed.
- 6) ☒ Claim(s) 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

2nd Non-Final Rejection

1. For correcting an error, the finality of the Office action mailed on 06/19/2006 is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hidano et al (US 5,442,500) in view of Dimitri (5,818,723).

Claim 1, Hidano et al shows a magazine-based data cartridge library including: a frame 3; a shelf system 20, operatively attached to the frame, for supporting at least two data cartridge magazines 30 and comprising at least one shelf 20; a cartridge transport device 80 (Fig. 3, column 4, lines 51-54), operatively attached to the frame, for moving a data cartridge between a data cartridge magazine and a drive 95 (Column 4, line 23); a magazine transport device, operatively attached to the frame, for moving a data cartridge magazine; and a drive bay assembly for holding the drive.

Hidano et al does not show a magazine transport device, operatively attached to the frame for moving a data cartridge magazine.

Dimitri shows a magazine-based data cartridge library in Fig. 1, wherein a data cartridge transport device 110 operatively attached to the frame for moving a data cartridge magazine. Dimitri also teaches that this magazine transport device can move the magazines thus speed up the processing process (Column 2, lines 28-41). One of

Art Unit: 2627

ordinary skill in the art would have been motivated to add the magazine transport function onto the cartridge transport device in Hidano et al's device, thus speed up the processing process. In such constructed device, a magazine transport device, operatively attached to the frame for moving a data cartridge magazine.

In such constructed drive assembly, the drive bay, which accommodates drives 95 (Fig. 3 in Hidano et al), includes a first open side (the left front side of 95) exposed to the cartridge transport device and second open side (the right and rear side of 95) exposed to a space that is operator accessible and a passageway for the storage medium passing through in loading process extending between the first and second open sides.

Allowable Subject Matter

1. Claims 2-21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

- With regard to claims 2 and 18, as the closest reference of record, the combination of Hidano et al (US 5,442,500) and Dimitri (5,818,723) discloses a magazine-based data cartridge library, as claimed in claim 1 further includes drive bay assembly comprising; a housing structure that defines a first open side which is exposed to the cartridge transport device; a second open side which is exposed to a space that is operator accessible, and a passageway extending between the first and second open sides; **but fails to show** a housing plug that is attached to the housing and faces the second open side; and a sled for holding a drive that has a front side with a receptacle for receiving a data cartridge and a back side with a plug interface for receiving electrical signals;

the sled comprising: a sled frame that extends from a first end to a second end and is capable of holding a drive such that the receptacle of a drive is adjacent to the first end and the plug interface of the drive is adjacent to the second end; and electrical connection means for establishing an electrical connection between the plug interface of a drive and a sled plug that faces toward the first end of the sled and is capable of mating with the housing plug; wherein when the sled is positioned in the passageway such that the first end of the frame is adjacent to the first open side and the second end of the frame is adjacent to the second open side, the housing plug faces the sled plug.

- Applicant asserts: the insertion of a drive into the library is accomplished by pushing a sled with the drive into the housing such that the sled plugs and the housing plugs engage one another. Conversely, removal of a drive from the library is accomplished by extracting the sled and drive from the housing, which causes the sled plugs and housing plugs to disengage from one another. Consequently, the drive bay eliminates the need for an operator to spend time disconnecting/connecting cables from plugs associated with the rear face of the drive during the extraction/insertion of a drive. Further, since the drive is attached to the sled and not a fixed frame within the library, the drive bay eliminates the need to spend time detaching/attaching a drive from/to such a frame (Specification, pp. 28-29).

Response to Arguments

2. Applicant's arguments with respect to claim 22 have been considered but are moot in view of the corrected reasons for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TIANJIE CHEN
PRIMARY EXAMINER